

25. (NEW) The method of Claim 4 or Claim 19, wherein said agent is at least one selected from the group consisting of organic molecules, inorganic molecules and polypeptides.--

### REMARKS

#### APPLICANTS' ELECTIONS

Applicants hereby elect to prosecute, with traverse, the claims encompassed by Group I, claims 1-10, drawn to methods of treating diseases. Applicants specifically traverse, as set forth below, the restriction requirement between group I and group II, drawn to methods of diagnosis. Applicants do not traverse the restriction requirement between groups I and III. Applicants retain the right to file one or more divisional applications to the unelected subject matter of groups II and III.

In addition, Applicants hereby elect to prosecute, with traverse as provided below, species (b) encompassing agents able to bind APB domains, as per paragraph 6 of the Office Action.

Pending claims 1-4, 6-12 and new claims 19-25 are drawn to the elected species.

#### AMENDED AND ADDED CLAIMS

Claims 13-15 drawn to unelected subject matter have been canceled without prejudice to or disclaimer of the subject matter contained therein.

New claims 19-25, drawn to elected subject matter and species, have been added. The new claims find support in the original disclosure at, *inter alia*, page 17, lines 19-23, page 20, lines 17-23, page 21, lines 4-13, lines 16-24 and lines 26-27 and page 23, line 26-page 24, line 1. No new matter is added with these added-claims.

#### APPLICANTS' TRAVERSAL

Applicants respectfully traverse the restriction requirement between groups I and II. Restriction is not proper when there is not a serious burden on the Examiner if restriction is not required (*see* MPEP 803). Specifically, in the present case, Applicants do not believe that there would be a serious burden on the Examiner if restriction is not required between groups I and II. For both groups, a search by the Examiner would include a search for interaction between an APB domain and a Natural Binding Partner, which search would not be unduly burdensome to

the Examiner. Accordingly, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicants also respectfully traverse the election of species requirement between agents able to bind APB recognition regions and agents able to bind APB domains in paragraph 6 of the Office Action. Applicants assert that the genus claim includes substantially few species such that it would not be a serious burden on the Examiner to search each of the species. Accordingly, reconsideration and withdrawal of the requirement are respectfully traversed.

CONCLUSION

Applicants believe that the claims are now in condition for allowance and a notice to that effect is respectfully requested. In view of the above, Applicants respectfully submit that the claims are in condition of allowance. Applicants respectfully request that the Application be allowed and passed to issue. . Enclosed is a check in the amount of \$110.00 covering the fee due in connection with the petition for a one month extension of time. If this is incorrect, please charge Lyon & Lyon Deposit Account No. 12-2475 for the appropriate amount. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (858) 552-8400.

Respectfully submitted,



---

Charles S. Berkman  
Attorney for Applicants  
Reg. No. 38,077

Dated: July 13, 1999

LYON & LYON, LLP  
633 West Fifth Street, 47th Floor  
Los Angeles, California 90071-2066  
Telephone: (858) 552-8400